

R E M A R K S

The Official Action of March 20, 2003 (Paper No. 6) has been carefully considered.

The Primary Examiner's observations re **Election/Restrictions** (page 2 of Paper No. 6) are believed to warrant reconsideration because, in applicant's opinion (this will be discussed in detail hereinafter), the elected claims included at least one allowable generic claim 12 which has now been replaced by the amended claim 1.

As concerns the priority (please refer to the passage titled **Priority** and bridging the pages 2-3 of Paper No. 6), applicant has amended the specification in a manner which is believed to satisfy the provisions of 37 CFR 1.78(a)(2) and (a)(5). A similar situation was resolved a couple of weeks ago in connection with an allowed pending US patent application wherein the applicant claimed the priorities of two Swiss patent applications and of a PCT application. The proposal to call the allowed patent application a continuation of the PCT was made by Ms. Jo Chang who, to the best of undersigned attorney's knowledge and belief, is a specialist in matters involving reliance upon PCT applications and whose telephone number is (703) 308-3858. The

undersigned proposes to furnish the Serial Number of the aforementioned allowed US patent application to the Primary Examiner Mr. Bonck over the telephone at any time upon filing of this amendment.

Applicant and his attorney agree with the observations under the heading **Information Disclosure Statement** on page 3 of Paper No. 6.

Enclosed is a print of a proposed Fig. 1A (on the sheet of Fig. 26) which illustrates the matter of the claim 72. A proposed description of Fig. 1A can be found on pages 26 and 76 of the specification. It will be noted that neither the proposed Fig. 1A nor the proposed insertion on page 76 of the specification contains any new matter. Please refer to the language of the claim 72 and to the passage in lines 19-25 on page 76 of the specification as filed.

Applicant further encloses a print of Figs. 9-11, 11a and 12 wherein the Figures 10, 11 and 11a were amended to show the reference characters 529a and 529b which are referred to in line 3 on page 50 of the original specification but are not shown in Figs. 9-11 and 11a as filed.

The amendments to the specification eliminate the informalities which are enumerated on page 4 of Paper No. 6 as well as those which were discovered by

the undersigned. None of the amendments introduce any new matter.

The amendments to the claims 38 and 72 overcome the objection and rejection in the penultimate (full) paragraph on page 4 and in the paragraph bridging the pages 4-5 of Paper No. 6. Furthermore, the present amendment eliminates informalities from certain other claims which remain active in the present patent application.

The amended claim 1 recites the matter of the original claims 1 and 12 (but not of the original claim 11). The thus amended claim 1 is believed to patentably distinguish over the teaching of US patent No. 3,369,414 to Helck because neither the embodiment of Fig. 2 nor that of Figs. 3-4 in the patent to Helck shows a helix composed of two packages of convolutions with the convolutions of each package contacting each other. In Fig. 2 of Helck, the convolutions of the lower package appear to abut or to be rather close to each other; however, the convolutions of the upper set are evidently spaced apart from each other. Fig. 3 of Helck appears to show a helical spring 51 having a package of convolutions below the arms 54 and a single convolution above the arms. The specification and/or the claims of Helck are of no help because they do not mention that

the helix 26 or 51 can have two packages of abutting convolutions.

An important advantage of the structure which is recited in applicant's amended claim 1 is that the helix with two packages of abutting convolutions contributes significantly to compactness of the apparatus (as seen in the axial direction). Moreover, the improved apparatus can be operated in two directions. Reference may be had, for example, to disclosures on pages 34 and 55 of applicant's specification. The apparatus which are shown in Figs. 2 and 3-4 of Helck are designed to operate in a single direction, namely to apply pressure in such single direction. The patented drive cannot operate in a second direction; all that is possible is to wind the convolutions back to their starting positions.

Applicant respectfully disagrees with the observations in the sentence bridging the pages 5-6 of Paper No. 6. Unless specifically stated, a patent drawing is not and need not be drawn to scale and, therefore, the thickness and width ratios of convolutions and the width to outer diameter ratios assertedly shown in the drawing of Helck cannot be relied upon to assert lack of patentability of those claims in the present application which recite specific ratios.

The statement in the first full sentence on page 6 of Paper No. 6 is also believed to warrant reconsideration if it is intended to apply to the matter of applicant's original claim 12 (amended claim 1). Please refer to Fig. 2 of Helck wherein the patentee shows a first package of abutting convolutions of helix 26 between the follower 28 and the thrust collar 36, and a second "package" of spaced-apart (emphasis by the undersigned) convolutions at a level above the follower 28.

The independent claims 108 and 109 stand amended in the same way as the claim 1 and, therefore, these claims appear to patentably distinguish over the teaching of Helck.

The indicated allowability of the original claims 88, 89 and 97 (new claims 111, 112, 113) is gratefully acknowledged. The prescribed fee (84.00) for one additional independent claim is enclosed.

All other claims which remain active in the present case depend from the amended claim 1 and are believed to be patentable in view of such dependency. Therefore, applicant believes that the references (Staak and Stieg) which are relied upon in the rejection under 35 USC §103 on pages 6-7 of Paper No. 6 need not be discussed at this time. All applicant wishes to point out

here is that US patent No. 3,167,671 to Staak appears to have no bearing of any kind upon the patentability of those claims which are enumerated in the last paragraph on page 6 of Paper No. 6. Please note that the coil spring 35 of Staak is rigid (emphasis by the undersigned) and, therefore, all the patented device can do is to move the part 140 axially of the coil spring 35 and/or vice versa. This must have been realized by the PTO since Staak belongs to US Class 310 whereas Helck belongs to US Class 74.

A careful review of the non-applied prior art which is enumerated in the second paragraph on page 8 of Paper No. 6 reveals that such prior art has no bearing upon the patentability of the claims which are presently active in this case.

This Paper is believed to place the present application in condition for allowance with the claims 1, 3-11, 13-87, 90-96, 98-99 and 111-113, and such disposition at a reasonably early date is earnestly solicited.

Dated: May 27, 2003

Enclosures:

- (1) Print of Figs. 8-11, 11a, 12
- (2) Print of Figs. 1A, 26
- (3) Check for US\$84.00
- (4) Return post card

Respectfully submitted,

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